

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

EDWARD A. VIVIAN, M.D., RESPONDENT

No. 02-99-507

STATEMENT OF CHARGES,

**SETTLEMENT AGREEMENT and FINAL ORDER
(combined)**

COMES NOW the Iowa Board of Medical Examiners (the Board), and

Edward A. Vivian, M.D. (Respondent), on September 21, 2000, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), file this combined Statement of Charges, Settlement Agreement and Final Order.

STATEMENT OF CHARGES

1. Respondent was issued license number 32566 to practice medicine and surgery in Iowa on August 12, 1998. Respondent's Iowa medical license is valid and will next expire on September 1, 2001.

2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

3. Respondent is charged under section 148.6(2)(d) of the 1999 Code of Iowa with being disciplined by the medical licensing authority of another state.

THE CIRCUMSTANCES

4. On or about December 20, 1998, Respondent entered into a Stipulation with the Wisconsin Medical Examining Board.

5. On or about January 20, 1999, the Wisconsin Medical Examining Board issued a Final Decision and Order, which approved the Stipulation and Reprimanded Respondent for administering an excessive concentration of Brevibloc to a patient.

SETTLEMENT AGREEMENT

6. The Board has jurisdiction over the parties and subject matter herein.

7. Respondent admits the allegations contained in the Statement of Charges.

8. Respondent is hereby **CITED** for being disciplined by the medical licensing authority of another state. Respondent is hereby **WARNED** that being disciplined by the medical licensing authority of another state may result in further formal disciplinary action against your Iowa medical license.

9. In the event Respondent fails to comply with the terms of this combined Statement of Charges, Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondent's license or to impose other license discipline as authorized in Iowa Code Sections 148.6 and 272C.3(2)(a).

10. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement and Final Order.

11. This combined Statement of Charges, Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration.

12. This combined Statement of Charges, Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this Statement of Charges, Settlement Agreement and Final Order it shall be of no force or effect to either party.

13. The Board's approval of this combined Statement of Charges and Settlement Agreement shall constitute a **FINAL ORDER** of the Board.

Edward A. Vivian, M.D., Respondent

Edward A Vivian MD

Subscribed and sworn to before me on July 27, 2000.

Notary Public, State of Iowa

Joyce A. [Signature]

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on September 21, 2000.

Dale R Holdiman MD

Dale R. Holdiman, MD, Chairperson
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, IA 50309-4686